

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DEON A. STEWART,

Plaintiff,

vs.

WALLS., TAGET BOYD, CATHY SEARS,
and BOARD OF MENTAL HEALTH,

Defendants.

8:24CV39

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Plaintiff filed a Complaint, [Filing No. 1](#), on February 1, 2024, along with a payment of \$350.00. However, Plaintiff has not submitted a request to proceed in forma pauperis ("IFP") and is therefore obligated to pay the \$55.00 administrative fee assessed to non-IFP plaintiffs. Thus, Plaintiff's payment of \$350.00 is short by \$55.00 of the full \$405.00 owed to the Court. Only if Plaintiff files a motion to proceed IFP, and the Court grants the motion, would he be obligated to pay only the \$350.00 filing fee. See [28 U.S.C. § 1915\(b\)\(1\)](#). **To be clear, Plaintiff will not have to pay any more money in this case if he files a motion to proceed IFP using the enclosed form.**

Accordingly, the Court will give Plaintiff 30 days to either file an IFP motion or pay the additional \$55.00 administrative fee. In the absence of either action, the Court will dismiss this matter without prejudice and without further notice.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to either submit the remaining \$55.00 administrative fee to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.


2. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

3. Plaintiff must include the case number for this case (8:24CV39) on any document or payment he submits for filing in this case.

4. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **March 4, 2024**: Check for MIFP or payment of \$55.00 administrative fee.

Dated this 1st day of February, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge